

**BEST AVAILABLE COPY**

Customer Number 22,852  
Attorney Docket No. 05793.3093-00

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEMS AND METHODS FOR MANAGING A FINANCIAL ACCOUNT BASED ON NON-CREDIT BEHAVIOR OF A CUSTOMER** the specification of which  is attached and/or  was filed on November 14, 2003 as United States Application No. 10/706,952.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate of § 365(a) of any PCT International application(s) designating at least one country other than the United States, listed below and have also identified below, any foreign application(s) for patent or inventor's certificate, or any PCT International application(s) having a filing date before that of the application(s) of which priority is claimed:

| Country | Application Number | Date of Filing | Priority Claimed Under 35 U.S.C. 119                     |
|---------|--------------------|----------------|--|
|         |                    |                | <input type="checkbox"/> YES <input type="checkbox"/> NO |
|         |                    |                | <input type="checkbox"/> YES <input type="checkbox"/> NO |

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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| 60/426,028         | November 14, 2002 |

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I hereby appoint the following attorney and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER NUMBER 22,852, Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvoold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Heftner, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,809; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zottler, Reg. No. 27,680; Dennis P. O'Reilly, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Nath, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Lori Ann Johnson, Reg. No. 34,498; R. Bruce Bower, Reg. No. 37,099; John Rissman, Reg. No. 33,764; Therese A. Hendricks, Reg. No. 30,389; Leslie I. Bookoff, Reg. No. 38,084; Michele C. Bosch, Reg. No. 40,524; Michael J. Flibert, Reg. No. 33,234; Scott A. Herbst, Reg. No. 35,189; Leslie A. McDonell, Reg. No. 34,872; Thalia V. Warmement, Reg. No. 39,084; Ronald A. Bleeker, Reg. No. 27,773; Kathleen A. Daley, Reg. No. 36,116; C. Gregory Grameenopoulos, Reg. No. 36,532; Anthony M. Gutowski, Reg. No. 38,742; Yitai Hu, Reg. No. 40,653; Lionel M. Lavenue, Reg. No. 46,859; Christine E. Lehman, Reg. No. 38,535; Patrick J. Coyne; F. Leslie Bessinger, III, Reg. No. 39,108; Houtan K. Esfahani, Reg. No. 41,893; Esther H. Lim, Michael A. Morin, Reg. No. 40,734; Erik R. Puknys, Reg. No. 40,132; and Timothy J. May, Reg. No. 41,538 all of FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.; and Stephen P. Klocinski, Reg. No. 39,251 of CAPITAL ONE FINANCIAL SERVICES. Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005. Telephone No. (202) 408-4000.

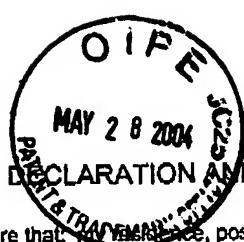
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Listing of Inventors Continued From Page 1 hereof

Attorney Docket No. 05793.3093-00

|  |  |                    |
|--|--|--------------------|
| Full Name of First Inventor<br>Robert J. Greenberg                 | Inventor's Signature<br><i>Robert J. Greenberg</i> | Date<br>4-9-04     |
| Residence<br>12205 Bayswater Court, Glen Allen, VA 23059           |  | Citizenship<br>USA |
| Post Office Address<br>12205 Bayswater Court, Glen Allen, VA 23059 |  |                    |
| Full Name of First Inventor<br>Franco D. Harris                    | Inventor's Signature                               | Date               |
| Residence<br>1259 Wisconsin Avenue, Washington, DC 20007           | Citizenship<br>USA                                 |                    |
| Post Office Address<br>1259 Wisconsin Avenue, Washington, DC 20007 |  |                    |
| Full Name of First Inventor<br>Sara H. Kamp Collins                | Inventor's Signature                               | Date               |
| Residence<br>1193 N. Vermont Street, Arlington, VA 22201           | Citizenship<br>USA                                 |                    |
| Post Office Address<br>1193 N. Vermont Street, Arlington, VA 22201 |  |                    |



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| Post Office Address<br>12205 Bayswater Court, Glen Allen, VA 23059 |   |                    |
| Full Name of First Inventor<br>Franco D. Harris                    | Inventor's Signature<br><i>F. D. Harris</i> | Date<br>09.12.04   |
| Residence<br>1259 Wisconsin Avenue, Washington, DC 20007           |   | Citizenship<br>USA |
| Post Office Address<br>1259 Wisconsin Avenue, Washington, DC 20007 |   |                    |
| Full Name of First Inventor<br>Sara H. Kamp Collins                | Inventor's Signature                        | Date               |
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